

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

W. A. DREW EDMONDSON, in his)
capacity as ATTORNEY GENERAL)
OF THE STATE OF OKLAHOMA and)
OKLAHOMA SECRETARY OF THE)
ENVIRONMENT C. MILES TOLBERT,)
in his capacity as the)
TRUSTEE FOR NATURAL RESOURCES)
FOR THE STATE OF OKLAHOMA,)

Plaintiff,)

vs.)

TYSON FOODS, INC., et al,)

Defendants.)

4:05-CV-00329-TCK-SAJ

THE DEPOSITION OF MICHAEL

TRAYLOR, produced as a witness on behalf of the
Plaintiff in the above styled and numbered cause,
taken on the 27th day of November, 2007, in the City
of Fayetteville, County of Washington, State of
Arkansas, before me, Lisa A. Steinmeyer, a Certified
Shorthand Reporter, duly certified under and by
virtue of the laws of the State of Oklahoma.

1 (Whereupon, the deposition began at
2 9:02 a.m.)

3 MICHAEL TRAYLOR
4 having first been duly sworn to testify the truth,
5 the whole truth and nothing but the truth, testified
6 as follows:

7 DIRECT EXAMINATION

8 BY MR. GARREN:

9 Q Please tell the court your full name.

10 A Charles Michael Traylor. 09:02AM

11 Q Where do you currently reside?

12 A Two and a half miles west of Prairie Grove.

13 Q Is there an address there?

14 A 16670 Stonewall Road.

15 Q Okay. Is that also where you conduct your 09:02AM
16 business as Traylor Spreading Service?

17 A Yes, sir.

18 Q Okay. You've given a deposition in the past I
19 understand?

20 A Yes. 09:03AM

21 Q Just some little helpful hints in going
22 through it this morning that may facilitate how we
23 get this thing done, and that is, if you let me
24 finish my question and I'll let you finish your
25 answer before each of us speaks, that way the court 09:03AM

11

1 at your handwriting, your wife's handwriting, your
2 secretary's handwriting?

3 A It won't be mine. But I was there.

4 Q So it would be one of the others?

5 A It would be my wife or my secretary, one. 09:09AM

6 Q And they use your book that you normally carry
7 around to --

8 A I translate it for them.

9 Q Okay. So you tell them what to put on the
10 form? 09:10AM

11 A Right.

12 Q All right. The books that you told me about
13 that you keep and have kept for years, do they
14 record where applications occurred in Arkansas also?

15 A I've got more Arkansas than I do Oklahoma. 09:10AM

16 Q All right. When you clean out a barn and then
17 go and spread the waste, the owner of the land on
18 which the application occurs, do they provide you a
19 waste management plan that they have for their farm?

20 A Yes. We have to have soil tests done before 09:10AM
21 we can spread it.

22 Q Okay. Let me make sure I understand. I
23 understand about the soil test. That's a report
24 that shows the nitrogen, phosphorus levels in the
25 soil; correct? 09:11AM

DEPO-020486

1 **A** Yes.

2 **Q** Are you familiar with a waste management plan
3 like you have for your farm; do you receive a
4 similar copy from the farm that you spread on?

5 **A** All we get is the soil test. 09:11AM

6 **Q** Do you also receive a waste analysis of the
7 waste that came out of the barn?

8 **A** Yes.

9 **Q** And you use that in conjunction with soil
10 tests where you apply it; is that correct? 09:11AM

11 **A** Yes.

12 **Q** To your knowledge when you take the poultry
13 waste out of the barn, it contains basically the
14 feces, the urine and the bedding material, does it
15 not? 09:11AM

16 **A** Yes, sir.

17 **Q** Are there occasions where there will be
18 chicken bodies decomposed or portions of them?

19 **A** There's always dead chickens in it because you
20 can't see them all. 09:12AM

21 **Q** When those -- do they get spread on the land
22 also when you are spreading?

23 **A** Yes.

24 **Q** When that material is removed from the barn,
25 is any part of it used by the grower for growing 09:12AM